

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: OCTOBER 17, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-23422 - APPLICANT: STREETS OF NEW YORK -**

**OWNER: VILLAGE OF CENTENNIAL SPRINGS PARTNERS, LLC**

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**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to:

**Planning and Development**

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Beer/Wine/Cooler On-Sale Establishment use, including parking requirements.
2. Conformance to the conditions for Rezoning [Z-0076-98(15)], Site Development Plan Reviews (SDR-5219, SDR-5948, SDR-12618) and Variance (VAR-7655) if approved.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This request is for a Special Use Permit to allow a Beer/Wine/Cooler On-Sale Establishment in conjunction with a 2,632 square foot, 79-seat pizza restaurant located in the Village of Centennial Springs, at 7570 Norman Rockwell Lane. Hours of operation will be Monday through Thursday, 9:00 am to 11:00 pm, Friday and Saturday, 9:00 am to 12:00 a.m. and Sunday, 9:00 a.m. to 11:00 p.m.

A waiver is also being requested to allow a distance separation of 372 feet where 400 feet is required between the restaurant and a child care facility. The restaurant is located in the center of the Village of Centennial Springs commercial center and the child care facility is on the southeast corner of Farm Road and Tule Springs Road. A buffer area between the restaurant and the child care center is created by the parking lot for the commercial center and Tule Springs Road, an 80-foot right-of-way. Despite the buffer between the uses, the restaurant does not meet the minimum distance separation requirements of Title 19.04 for a Special Use Permit for a Beer/Wine/Cooler On Sale use. Staff recommends denial of the request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
12/07/98	The City Council approved a rezoning (Z-76-98) on property located within the area designated Town Center on the northwest amendment to the General Plan, From: U, R-E, R-PD7, R-PD11, R-PD13, R-PD18, R-CL, C-1, C-2, C-V, and P-D TO: T-C (Town Center), SIZE: 1,468 acres.
02/18/04	The City Council approved a General Plan Amendment (GPA-3497) to amend a portion of Map 4 (The Centennial Hills Town Center Land Use Plan) of the Centennial Hills Sector Plan from: SC-TC (Service Commercial – Town Center) to: SX-TC (Suburban Mixed-Use – Town Center). The Planning Commission recommended approval on 01/22/04.
07/07/04	The City Council approved a Site Development Plan Review (SDR-4290) and a Waiver of the landscaping standards for a proposed mixed-use development on the subject property; a Variance (VAR-4300) to allow 1.94 acres of open space where 2.41 acres are required and a Special Use Permit (SUP-4299) for a proposed mixed-use development and a Waiver to allow the private streets to not be gated on the subject property. The Planning Commission recommended approval on 05/27/04.
08/12/04	An administrative Site Development Plan Review (SDR-4758) was approved for a proposed 7,770 square-foot office building on a portion of the subject property.

01/05/05	An administrative approval was granted for a Tentative Map (TMP-4838) for a 213-lot subdivision located on the subject property.
05/18/05	The City Council approved a Site Development Plan Review (SDR-5948) for a proposed mixed-use development; a Waiver (WVR-6153) of Title 18.12.100 to allow 24-foot private street width at intersections where 37 feet is the minimum width required and a Variance (VAR-5949) to allow 824 parking spaces where 1,065 is the minimum required on the subject property. The Planning Commission recommended approval on 04/14/05.
06/01/05	The City Council approved a General Plan Amendment (GPA-6362) to modify Exhibit 1 ("Multi-Use Transportation Trail") of the Transportation Trails Element of the Las Vegas 2020 Master Plan to allow an eight-foot concrete path where 10 feet is required for a proposed Multi-use Transportation Trail along the west side of Tule Springs Road and the south side of Farm Road. The Planning Commission recommended denial on 04/28/05.
06/15/05	The City Council approved a Site Development Plan Review (SDR-6403) and a Special Use Permit (SUP-6405) for a 1,400 square-foot temporary sales trailer on the southwest corner of the subject property. The Planning Commission recommended approval on 05/12/05.
12/21/05	The City Council approved a Variance (VAR-7655) request to allow 478 parking spaces where 844 spaces is the minimum required for a proposed commercial development on 15.74 acres at the southwest corner of Tule Springs Road and Farm Road. Condition number three specified the approval is for 524 spaces where 763 spaces are required and restaurant space shall be a maximum of 22,956 square feet interior and 1,800 square feet outdoor dining. All restaurant and supper club uses shall be located only along the project interior main street. No uses may be 24 hours. Any change to add any restaurant space or relocate uses will require submittal of a new site plan review for City Council approval. The Planning Commission recommended denial on 10/20/05.
12/21/05	The City Council approved Special Use Permits (SUP-7660, SUP-7661 and SUP-7662) to allow the Supper Clubs with a waiver of the 400 foot distance separation. The Planning Commission recommended denial on 10/20/05.
09/13/07	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #47/lhm).
<b><i>Related Building Permits/Business Licenses</i></b>	
07/20/06	Special Inspection Required Building #7 (6004782)
07/20/06	Building #7 Onsite improvements (6004783) Expired 01/20/07
05/15/07	Mech for 06004782 BLDG #7 (7001598)
08/24/06	Electric for 06004782 Bldg 7 (6005484)
05/17/07 (Renew)	Plumbing for 06004782 Bldg #7 (6005480)
	Beer/Wine/Cooler On-Sale (L09-95401) Restaurant – Seating for 45 or more (R09-95402) Pending SUP

<b><i>Pre-Application Meeting</i></b>	
07/18/2007	A pre-application meeting with the applicant was held and submittal requirements were discussed.
<b><i>Neighborhood Meeting</i></b>	
07/10/2007	To comply with the Town Center Development Standards Manual requiring a neighborhood meeting for a distance waiver (Section A.4c), the applicant held a neighborhood meeting at an office building located within the shopping center. According to the applicant there were approximately five neighbors in attendance and there was not opposition to the service of beer and wine in the proposed restaurant.
<b><i>Field Check</i></b>	
08/08/2007	The mixed use commercial center is under construction. The building for the proposed restaurant is nearing completion.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	.29

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Under Construction / Commercial	TC(Town Center) [SX-TC (Suburban Mixed-Use - Town Center)]	T-C(Town Center)
North	Service Commercial	TC(Town Center) [SC-TC (Service Commercial – Town Center)]	T-C(Town Center)
South	Single Family Residential	TC(Town Center) [SX-TC (Suburban Mixed-Use - Town Center)]	T-C(Town Center)
East	Parking for Commercial Center	TC(Town Center) [SX-TC (Suburban Mixed-Use - Town Center)]	T-C(Town Center)
West	Single Family Residential	TC(Town Center) [SX-TC (Suburban Mixed-Use - Town Center)]	T-C(Town Center)

<i><b>SPECIAL DISTRICTS/ZONES</b></i>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>	<b>X</b>	
Town Center	<b>X</b>	
<b>Special Overlay District</b>		<b>X</b>
<b>Trails</b>	<b>X</b>	
<b>Rural Preservation Overlay District</b>	<b>X</b>	
<b>Development Impact Notification Assessment</b>		<b>X</b>
<b>Project of Regional Significance</b>		<b>X</b>

**Centennial Hills Town Center** – This project will be subject to the development standards and related policies of the Centennial Hills Town Center.

## DEVELOPMENT STANDARDS

### Parking and Traffic Standards

*Pursuant to Title 19.10, the following parking standards apply:*

<i><b>Parking Requirement</b></i>							
<i><b>Use</b></i>	<i><b>Gross Floor Area or Number of Units</b></i>	<i><b>Required</b></i>		<i><b>Provided</b></i>		<i><b>Compliance</b></i>	
		<i><b>Parking Ratio</b></i>	<i><b>Parking</b></i>	<i><b>Parking</b></i>	<i><b>Parking</b></i>		
			Regular	Handi-capped	Regular	Handi-capped	
Restaurant	22,956 sf	1/50 Seating and Waiting; 1/50 Outdoor Seating; 1/200 Remaining;	15,150 sf/50=303 800/50=36 7,806/200=39				
Retail	49,552 sf	1/250 gfa	199				
General Office	55,805 sf	1/300 gfa	186				
<b>Commercial SubTotal</b>			763	19	524	19	As per VAR-7655
<b>TOTAL</b>			763		524		
Loading Spaces			4		0		

## ANALYSIS

Minimum Distance Separation Requirements pursuant to Title 19.04, the following Standards apply to the subject proposal:

Waivers		
Request	Requirement	Staff Recommendation
Distance from Child Care of 372' for Beer/Wine/Cooler On-sale	400'	Denial

The requested Beer/Wine/Cooler On-sale will be located approximately 372 feet from an existing Child Care Facility. A Waiver of this requirement is being requested.

## ANALYSIS

- **Zoning**

The subject property is zoned T-C (Town Center). A restaurant with Beer/Wine/Cooler On-sale use is permitted in this zone as long as it complies with the conditions outlined in Title 19.04.050. One such condition is the Beer/Wine/Cooler On-sale restaurant be located greater than 400 feet from an existing child care facility. The proposed Beer/Wine/Cooler On-sale use is 28 feet short of meeting this requirement and a Waiver addressing this concern is being requested.

- **Use**

The proposed pizza restaurant will sell beer/wine/coolers in conjunction with their food service. Shown on the site plan and explained in the justification letter, the restaurant will consist of 2,600 square feet and provide seating for approximately 79 customers. An outdoor dining area is planned for the restaurant but is not shown on the submitted site plan, however, parking will be adequate for this use. A service counter is indicated near the front entry; no explanation is provided detailing the purpose of the counter.

Hours of operation for the pizza restaurant will be Monday through Thursday, 9:00 am to 11:00 pm, Friday and Saturday, 9:00 am to 12:00 a.m. and Sunday, 9:00 a.m. to 11:00 p.m.

- **Minimum Distance Separation Requirements**

Title 19.04.010 establishes the criteria and minimum requirements for the approval of alcohol-related uses. The Code requires a Beer/Wine/Cooler On-Sale Establishment to be a minimum of 400 feet from any church, synagogue, school, childcare facility licensed for more than twelve children, or City Park as measured from property line to property line. In this case, a child care facility is known to be within the minimum separation distance requirement. The restaurant use is located in a space within a mixed use subdivision. The proposed restaurant is less than 400 feet from any of the protected uses. Therefore, it does not meet the minimum distance separation requirement.

- **Conditions**

In accordance with Title 19.20.020, operational requirements for a Beer/Wine/Cooler On-Sale Establishment include:

- 1) An establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers for consumption only in connection with a meal on the premises where the same is sold;
- 2) And is operated in connection with a restaurant in which 45 or more people may be served with meals at any one time at tables or stools.

Title 19.04.010 provides conditions for the approval of a Special Use Permit for a Beer/Wine/Cooler On-Sale Establishment. These conditions include:

1. A minimum separation distance of 400 feet as described above;
2. The methodology for calculation of that measurement;
3. A different methodology for calculating separation distance when the use is on a large parcel (i.e. over 80 acres);
4. Direction to the Planning Commission for consideration if the distance requirement is requested to be waived;
5. Minimum distance requirements do not apply to non-restricted gaming licenses in connection with a hotel or a proposed establishment having more than 50,000 square feet of retail floor space.
6. Compliance with Chapter 6.50 of the Las Vegas Municipal Code.

## **FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use is located in a restaurant within a mixed-use development. The proposed use is compatible with a restaurant, but the distance separation requirement from a child care facility is not met.

**2. “The subject site is physically suitable for the type and intensity of land use proposed.”**

The site is located within a mixed-use commercial center and is large enough to accommodate the intensity of the proposed use.

**3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Farm Road, an 80-foot right-of-way, and Tule Springs Road, an 80-foot right-of-way, will provide access to the site. These facilities are adequate to meet the needs of the proposed use.

**4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The mixed-use, compact development concept is consistent with the General Plan and does not endanger the public health, safety, or general welfare of the populace.

**5. The use meets all of the applicable conditions per Title 19.04.**

A distance separation of 400 feet from schools, parks, churches, is required for a Beer/Wine/Cooler On sale use. The proposed use is 372 feet from a child care facility, thus, does not meet the applicable conditions per Title 19.04.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 346 by City Clerk

**APPROVALS** 2

**PROTESTS** 0